

Executive Order 2005-13

SUMMIT ON IMMIGRATION ENFORCEMENT STRATEGIES

WHEREAS, the state of Arizona, one of four southern border states disproportionately impacted by illegal immigration, is experiencing significantly more criminal aliens per capita than other states; and

WHEREAS, the Department of Justice has failed to adequately enforce federal immigration law or reimburse Arizona's actual costs of incarcerating criminal aliens, thereby costing Arizona taxpayers more than \$200 million over the last three years; and

WHEREAS, pursuant to 8 U.S.C. § 1357, state and local law enforcement entities are authorized to play a limited role in the enforcement of federal immigration law; and

WHEREAS, state and local law enforcement officers often encounter illegal immigrants and detain them while the Immigration and Customs Enforcement (ICE) office of the Department of Justice is called; and

WHEREAS, notwithstanding the foregoing, ICE is so understaffed in parts of Arizona that it often is unable or unwilling to pick up such illegal immigrants to remove them or detain them in federal facilities; and

WHEREAS, when the calls of local law enforcement officials are not responded to by ICE, such local officials are currently required to release illegal immigrants they have detained, effectively creating a "catch and release" scenario that hampers effective immigration law enforcement; and

WHEREAS, the growing number of illegal immigrants in Arizona and the cost to Arizona taxpayers therefrom requires a more cooperative and effective effort between local state and federal governments to reduce the number of undocumented immigrants; and

WHEREAS, to accomplish effective state and local law enforcement assistance in enforcing federal immigration law, Arizona needs adequate resources and a comprehensive immigration law enforcement strategy.

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. The Director of the Department of Public Safety (the "Department") shall convene and chair a summit within sixty (60) days of the execution of this Order to comprehensively review issues surrounding state and local law enforcement of immigration law (including but not limited to, ways state and local government can

contribute to immigrant detention solutions and the resources they would need to be effective) and shall make formal recommendations to the Governor.

2. Invitees to the summit shall be from across Arizona, but with particular emphasis on Arizona counties along the Mexican border. Invitees shall include, but not be limited to, at least one representative from each of the following entities:

- Arizona Sheriff's Association
- Arizona Association of Chiefs of Police
- Association of County Attorneys and Sheriffs
- Arizona Police Association
- Arizona Department of Public Safety
- United States Border Patrol
- Immigration and Customs Enforcement
- The Department of Corrections
- The U.S. Attorney's Office
- Luke Air Force Base
- Arizona-Mexico Commission
- The Attorney Generals Office
- The Governor's Office of Homeland Security
- Arizona Criminal Justice Commission
- Arizona Prosecuting Attorneys Advisory Council

3. Not later than ninety (90) days following the summit, the Department shall make recommendations to the Governor on at least the following topics:

(a) A cooperative plan between federal, state, county and local law enforcement entities that details strategies for improving enforcement of federal immigration law within Arizona's borders. Such plan shall specifically address ways to reduce incidences where ICE is unable or unwilling to take custody of illegal immigrants being detained by state and local law enforcement officers, as well as other ways to reduce the number of violations of federal immigration law within Arizona.

(b) A "best practices" model for improved enforcement of immigration laws, including, but not limited to, programs or Memoranda of Understanding from other jurisdictions that have successfully addressed similar topics.

(c) Changes to federal or state law needed to improve enforcement of federal immigration law.

(d) Identification of the resources state and local law enforcement agencies would need to effectively assist the federal government in enforcing federal immigration laws.

4. The Department is further directed to develop and immediately implement a plan using existing resources, and independent of the summit, to enforce federal immigration statutes to the maximum extent allowed by law (including specifically 8 U.S.C. § 1357, relating to the detention and arrest of illegal immigrants who commit felonies) as well as to reduce violations of Arizona law by illegal immigrants.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.


GOVERNOR

Done at the Capitol in Phoenix on this 3rd day of ^{June}~~May~~ in the Year Two Thousand and Five and of the Independence of the United States of America the Two Hundred and Twenty-Ninth.

ATTEST:


SECRETARY OF STATE

